

**Proposed Substitute
Bill No. 467**

LCO No. 5955

AN ACT CONCERNING THE FACILITATION OF TELEHEALTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Asynchronous" means the use of a camera or other technology
4 to capture images or data to be recorded and then transmitted to
5 another site for review at a later time.

6 (2) "Facility fee" has the same meaning as in section 19a-508c of the
7 general statutes.

8 (3) "Medical history" means information, including, but not limited
9 to, a patient's past illnesses, medications, hospitalizations, family
10 history of illness if known, the name and address of the patient's
11 primary care physician if known and other matters relating to the
12 health condition of the patient at the time of a telehealth interaction.

13 (4) "Originating site" means a site at which a patient is located at the
14 time health care services are provided to the patient by means of
15 telehealth.

16 (5) "Peripheral devices" means the instruments a telehealth provider
17 may use to perform a patient exam, including, but not limited to,

18 stethoscope, otoscope, ophthalmoscope, sphygmomanometer,
19 thermometer, tongue depressor and reflex hammer.

20 (6) "Remote patient monitoring" means the personal health and
21 medical data collection from a patient in one location via electronic
22 communication technologies that is then transmitted to a telehealth
23 provider located at a distant site for the purpose of healthcare
24 monitoring to assist the effective management of the patient's
25 treatment, care and related support.

26 (7) "Store and forward transfer" means the asynchronous
27 transmission of a patient's medical information from an originating site
28 to the telehealth provider at a distant site.

29 (8) "Synchronous" means real-time interactive technology.

30 (9) "Telehealth" means the mode of delivering health care or other
31 health services via information and communication technologies to
32 facilitate the diagnosis, consultation and treatment, education, care
33 management and self-management of a patient's physical and mental
34 health, and includes (A) interaction between the patient at the
35 originating site and the telehealth provider at a distant site, and (B)
36 synchronous interactions, asynchronous store and forward transfers
37 and remote patient monitoring. Telehealth does not include the use of
38 facsimile, audio-only telephone or electronic mail.

39 (10) "Telehealth provider" means any physician licensed under
40 chapter 370 of the general statutes, psychiatrist licensed under chapter
41 370 of the general statutes, advanced practice registered nurse licensed
42 under chapter 378 of the general statutes, physician assistant licensed
43 under chapter 370 of the general statutes, psychologist licensed under
44 chapter 383 of the general statutes, marital and family therapist
45 licensed under chapter 383a of the general statutes, clinical social
46 worker or master social worker licensed under chapter 383b of the
47 general statutes, alcohol and drug counselor licensed under chapter
48 376b of the general statutes, professional counselor licensed under
49 chapter 383c of the general statutes or dietitian-nutritionist certified

50 under chapter 384b of the general statutes, who is providing health
51 care or other health services through the use of telehealth within such
52 person's scope of practice and in accordance with the standard of care
53 applicable to the profession.

54 (b) (1) A telehealth provider shall only provide telehealth services to
55 a patient when the telehealth provider: (A) Is communicating through
56 real-time, interactive, two-way communication technology or store and
57 forward technologies; (B) has access to or knowledge of the patient's
58 medical history, as provided by the patient, or the patient's medical
59 record, including the name and address of the patient's primary care
60 physician; (C) conforms to the standard of care applicable to the
61 telehealth provider's profession and expected for in-person care as
62 appropriate to the patient's age and presenting condition, except when
63 the standard of care requires the use of diagnostic testing and
64 performance of a physical examination, such testing or examination
65 may be carried out through the use of peripheral devices appropriate
66 to the patient's condition; and (D) provides the patient with the
67 telehealth's provider license number and contact information.

68 (2) At the time of the telehealth provider's first telehealth interaction
69 with a patient, the telehealth provider shall inform the patient
70 concerning the treatment methods and limitations of treatment using a
71 telehealth platform and, after providing the patient with such
72 information, obtain the patient's consent to provide telehealth services.
73 The telehealth provider shall document such notice and consent in the
74 patient's medical record.

75 (c) Notwithstanding the provisions of this section or title 20 of the
76 general statutes, no telehealth provider shall prescribe schedule I, II or
77 III controlled substances through the use of telehealth.

78 (d) Each telehealth provider shall, upon the patient's request,
79 provide records of any telehealth interaction between such provider
80 and such patient to the patient, in a timely manner, in accordance with
81 the provisions of sections 20-7c to 20-7e, inclusive, of the general
82 statutes.

83 (e) The provision of telehealth services and medical records
84 maintained and disclosed as part of a telehealth interaction shall
85 comply with the provisions of the Health Insurance Portability and
86 Accountability Act of 1996 P.L. 104-191, as amended from time to time.

87 (f) Nothing in this section shall prohibit: (1) A health care provider
88 from providing on-call coverage pursuant to an agreement with
89 another health care provider or such health care provider's
90 professional entity or employer; (2) a health care provider from
91 consulting with another health care provider concerning a patient's
92 care; or (3) orders of health care providers for hospital outpatients or
93 inpatients. For purposes of this subsection, "health care provider"
94 means a person or entity licensed or certified pursuant to chapters 370,
95 372, 373, 375, 378 or 379 of the general statutes or licensed or certified
96 pursuant to chapter 368d or 384d of the general statutes.

97 (g) No telehealth provider shall charge a facility fee for telehealth
98 services.

99 Sec. 2. (NEW) (*Effective January 1, 2016*) (a) As used in this section,
100 "telehealth" has the same meaning provided in section 1 of this act.

101 (b) Each individual health insurance policy providing coverage of
102 the type specified in subdivisions (1), (2), (4), (11) and (12) of section
103 38a-469 of the general statutes delivered, issued for delivery, renewed,
104 amended or continued in this state shall provide coverage for medical
105 advice, diagnosis, care or treatment provided through telehealth, to the
106 extent coverage is provided for such advice, diagnosis, care or
107 treatment when provided through in-person consultation between the
108 insured and a health care provider. Such coverage shall be subject to
109 the same terms and conditions applicable to all other benefits under
110 such policy.

111 (c) No such policy shall: (1) Exclude a service for coverage solely
112 because such service is provided only through telehealth and not
113 through in-person consultation between the insured and a health care
114 provider, provided telehealth is appropriate for the provision of such

115 service; or (2) be required to reimburse a treating or consulting health
116 care provider for the technical fees or technical costs for the provision
117 of telehealth services.

118 (d) Nothing in this section shall prohibit or limit a health insurer,
119 health care center, hospital service corporation, medical service
120 corporation or other entity from conducting utilization review for
121 telehealth services, provided such utilization review is conducted in
122 the same manner and uses the same clinical review criteria as a
123 utilization review for an in-person consultation for the same service.
124 No such insurer, center, corporation or other entity shall require
125 preauthorization for emerging telehealth services.

126 Sec. 3. (NEW) (*Effective January 1, 2016*) (a) As used in this section,
127 "telehealth" has the same meaning provided in section 1 of this act.

128 (b) Each group health insurance policy providing coverage of the
129 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-
130 469 of the general statutes delivered, issued for delivery, renewed,
131 amended or continued in this state shall provide coverage for medical
132 advice, diagnosis, care or treatment provided through telehealth, to the
133 extent coverage is provided for such advice, diagnosis, care or
134 treatment when provided through in-person consultation between the
135 insured and a health care provider. Such coverage shall be subject to
136 the same terms and conditions applicable to all other benefits under
137 such policy.

138 (c) No such policy shall: (1) Exclude a service for coverage solely
139 because such service is provided only through telehealth and not
140 through in-person consultation between the insured and a health care
141 provider, provided telehealth is appropriate for the provision of such
142 service; or (2) be required to reimburse a treating or consulting health
143 care provider for the technical fees or technical costs for the provision
144 of telehealth services.

145 (d) Nothing in this section shall prohibit or limit a health insurer,
146 health care center, hospital service corporation, medical service

147 corporation or other entity from conducting utilization review for
148 telehealth services, provided such utilization review is conducted in
149 the same manner and uses the same clinical review criteria as a
150 utilization review for an in-person consultation for the same service.
151 No such insurer, center, corporation or other entity shall require
152 preauthorization for emerging telehealth services.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>January 1, 2016</i>	New section
Sec. 3	<i>January 1, 2016</i>	New section